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Attorneys for Defendant  
EAGLE MOLDING COMPANY # 1

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ROY B. SMITH; VICKI SMITH	)	CASE NO. CIV.S-04-1245 LKK GGH
	)	
Plaintiffs,	)	STIPULATION FOR MENTAL AND
	)	PHYSICAL EXAMINATIONS OF
vs.	)	PLAINTIFF; AND ORDER THEREON
	)	
EAGLE MOLDING COMPANY #1	)	[FRCP section 35(a)(b)]
	)	
Defendants.	)	
	)	

IT IS HEREBY STIPULATED AS FOLLOWS:

1. Defendant, EAGLE MOLDING COMPANY, wishes to take mental and physical examinations of plaintiff, ROY SMITH, as follows:

(A) MARCH 14, 2006, at 1:30 p.m. (for 1/2 day), at 3220 Blume Drive, #151, Richmond, California, for an examination to be conducted by RICHARD A. RUBENSTEIN, M.D., who is a Board certified neurologist. The examination will be conducted for the purpose of determining the nature and extent of the injuries alleged by the plaintiff, ROY SMITH, to have been suffered in the accident of 9/18/02, and will consist of, among other things, a neurologic history, a neurologic examinations consisting of a mental status evaluation, cranial nerve assessment and evaluation of balance, gait, posture, motor strength, sensation and reflects. The cranial nerve assessment specifically involved the evaluation of eye movement, sense of smell, sensation and

1 hearing. The examination will not include any diagnostic test or procedure that is painful, protracted,  
2 or intrusive.

3 (B) MARCH 15, 2006, at 9:00 a.m. to 12:00 p.m. for the first session, and on  
4 MARCH 16, 2006, at beginning at 9:00 a.m. until completed for the second session, at 909 Hyde St.,  
5 Ste. 425, San Francisco, California, for a comprehensive forensic psychiatric clinical examination  
6 to be conducted by STUART M. PICKEL, M.D., whose specialty is psychiatry and forensic  
7 psychiatry. The examination will be a comprehensive examination as outlined on Attachment B,  
8 conducted for the purpose of determining the nature and extent of the injuries alleged by the plaintiff,  
9 ROY SMITH, to have been suffered in the accident of 9/18/02. In addition, Dr. Pickel will have  
10 questions for Mr. Smith based on documents provided to him. The psychiatric interview may only  
11 be attended by Dr. Pickel and Roy Smith, and will be audio-taped. The examination will not include  
12 any diagnostic test or procedure that is physically painful, unnecessarily protracted, or unnecessarily  
13 intrusive.

14 (C) MARCH 13, 2006, at 1:00 p.m. (for 1/2 day) for the first session, and on  
15 MARCH 15, 2006, at 1:00 p.m. (for 1/2 day) for the second session, at 350 Parnassus Avenue, Ste.  
16 309, San Francisco, California for an examination to be conducted by WILLIAM D. HOOKER,  
17 PhD, whose specialty is neuropsychology. The examination will be a comprehensive,  
18 neuropsychological examination conducted for the purpose of determining the nature and extent of  
19 the injuries alleged by the plaintiff, ROY SMITH, to have been suffered in the accident of 9/18/02.  
20 The core battery of tests which may be performed include, among other things, are the WAIS-III,  
21 WRAT-III Reading Sub-Test, the Trail Making tests, the Stroop Color Word Test (SCWT), the  
22 Wisconsin Card Sorting Test (WCST), the Boston Naming Test (BNT), the Controlled Oral Word  
23 Association Test (COWAT), the Hooper Visual Organization Test (HVOT), the Minnesota  
24 Multiphasic Personality Inventory-2 (MMPI-II), Halstead-Reitan Neuropsychological Test Battery,  
25 Grooved Pegboard Test (GPT), Ruff 2&7 Selective Attention Test, Wechsler Test of Adult Reading  
26 (WTAR), Rey-Osterreith Complex Figure Test (CFT), Clock Drawing, Ruff Figural Fluency Test,  
27 Booklet Category Test (BCT), Independent Living Scales (ILS), Wechsler Memory Scale-3rd

Revision (WMS-III), California Verbal Learning Test-2nd Revision (CVLT-II), Word Memory Test, and Rorschach Psychodiagnostic Test, Exner Scoring. A background history will also be taken. The examination will not include any diagnostic test or procedure that is painful, protracted, or intrusive.

(D) MARCH 10, 2006, at 10:00 a.m., at 83 Scripps Drive, Ste. 310, Sacramento, California for a physical examination to be conducted by LAURA ANDERSON, M.D., whose specialty is neurosurgery. This examination will be conducted for the purpose of determining the nature and extent of the injuries alleged by the plaintiff, ROY SMITH, to have been suffered in the accident of 9/18/02, and will consist of a physical examination of plaintiff. Dr. Anderson will be allowed to obtain a verbal history from plaintiff which will include, in general, the following:

- a) His current complaints;
- b) His past complaints;
- c) The evolution of his complaints;
- d) Any additional contributing illnesses or injuries;
- e) The sequence of his medical treatment.
- f) Dr. Anderson will conduct a non-invasive neurological/physical examination of plaintiff which will focus on his head, neck, back, shoulders, upper extremities (e.g. arms and hands), and lower extremities (e.g. legs and feet and any other areas of the plaintiff's body alleged to have been injured in the accident.)

(E) MARCH 17, 2006, at 9:30 a.m., at 2801 K Street #410, Sacramento, CA. 95816, for physical examination to be conducted by STEPHEN MANN, M.D. Any cancellation of this appointment requires three business days' notice direct to Dr. Mann's office or a cancellation fee of \$1,000 will be incurred.

Dr. Mann will be allowed to conduct a physical examination of plaintiff. Dr. Mann will be allowed to obtain a verbal history from plaintiff which will include, in general, the following:

- a) A brief explanation of how the accident of September 18, 2002 occurred;

- b) His current complaints;
- c) His past complaints;
- d) The evolution of his complaints;
- e) Any additional contributing illnesses or injuries;
- f) The sequence of his medical treatment.

Dr. Mann will be allowed to conduct a non-invasive neurological and physical examination of plaintiff which will focus on his head, neck, back, shoulders, upper extremities (e.g. arms and hands), and lower extremities (e.g. legs and feet).

2. Pursuant to FRCP section 35(b) plaintiffs and their attorney of record request a copy of the detailed reports of the above examiners of their examinations including results of all tests made, diagnoses and conclusions.

IT IS SO STIPULATED:

DATED: February 7, 2006

ERICKSEN, ARBUTHNOT, KILDUFF,  
DAY & LINDSTROM, INC.

s/Charles S. Painter

By: \_\_\_\_\_  
CHARLES S. PAINTER  
Attorney for Defendant  
EAGLE MOLDING COMPANY# 1

DATED: February 3, 2006

LAW OFFICES OF ANTHONY J  
POIDMORE

s/Anthony J. Poidmore

By: \_\_\_\_\_  
ANTHONY J. POIDMORE  
Attorney for Plaintiffs ROY B.  
SMITH and VICKI SMITH

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**ORDER**

IT IS SO ORDERED.

DATED: 2/8/06

/s/ Gregory G. Hollows

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JUDGE OF THE COURT

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